

Abstract of
Referendum Provisions of
THE SALES OF LIQUOR ACT

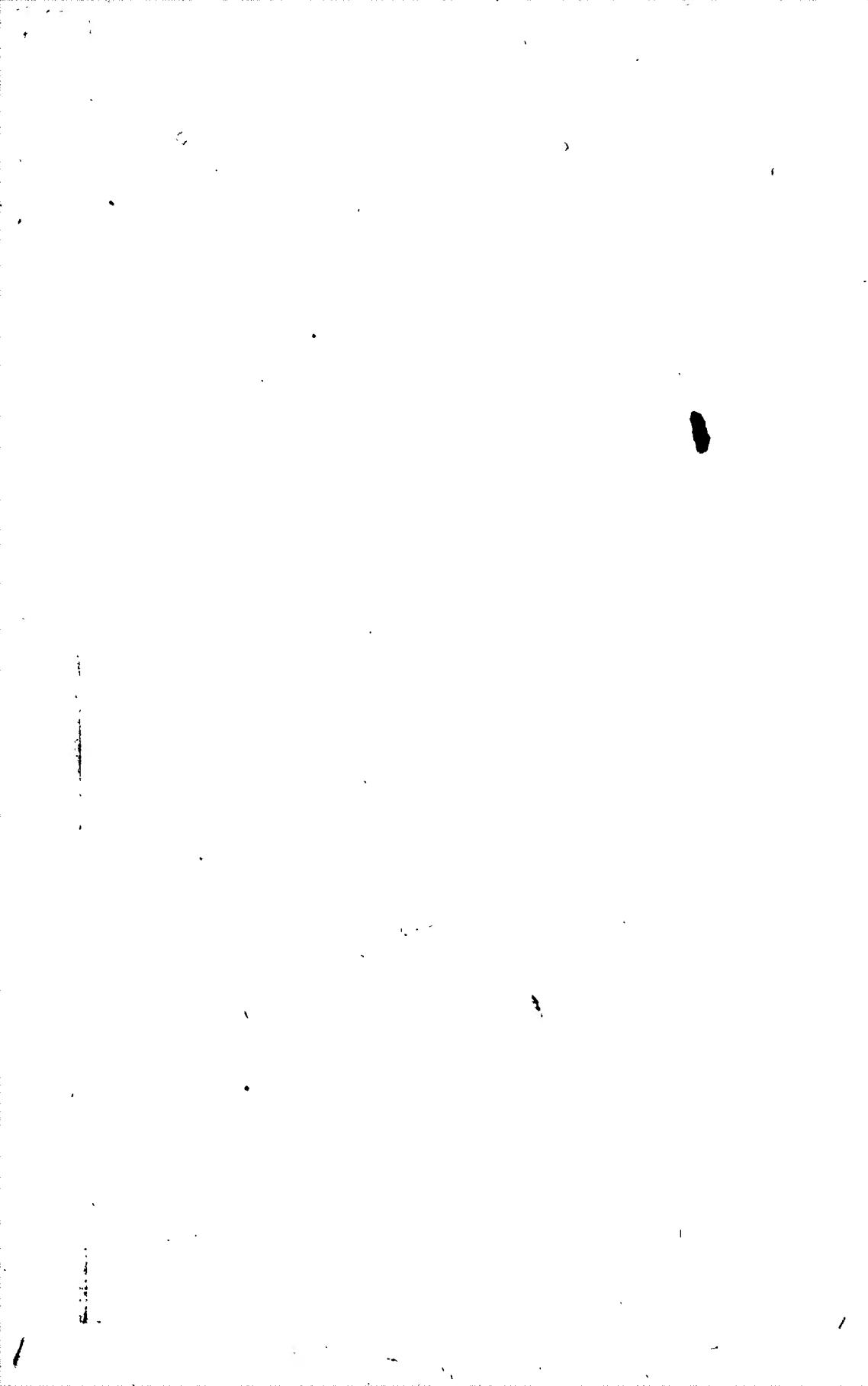
FOR THE USE OF OFFICIALS

Appointed in connection with
the Provincial Referendum

45
38.50
82.00
105.00



REGINA:
J. W. REID, King's Printer
1916



THE SALES OF LIQUOR ACT

(EXTRACT)

REFERENDUM PROVISIONS

167. The returning officers, deputy returning officers, poll clerks and other officials appointed for the purposes of the municipal elections, shall act in the same capacity and perform the same duties for the purposes of, and in connection with, the vote taken under this Act; and the same ballot boxes and polling booths shall be used for the purpose of the vote as are used for the election.

168. In case, by reason of the return of one or more members of a municipal council by acclamation, no election is to be held in a municipality or in a ward or division thereof, the municipal council shall nevertheless appoint the necessary officers and make such other arrangements as may be required for taking the vote, and all expenses incurred in connection therewith shall be paid by the provincial treasurer, on vouchers certified by the municipal clerk, at the rates allowed by the council for similar services in municipal elections.

169. In case the returning officer appointed for the municipal election is not the municipal clerk, the clerk shall deliver the writ to the returning officer and such returning officer shall perform all the duties, exercise all the power and authority and be subject to all the liabilities and responsibilities of returning officer for the vote to be taken hereunder in the same manner as if the writ had been addressed to him.

170. The clerk of the Executive Council shall forthwith upon the issue of the writ:

- (c) Cause to be forwarded to the clerk of every municipality, any part of which is comprised within a district in which a vote is to be taken, a printed notice of the vote, which notice the clerk shall forthwith post in a conspicuous place outside the building which he occupies as a municipal office;
- (d) Cause to be forwarded a similar notice to every teacher in the district which notice such teacher shall forthwith post on the outside of the school house under his charge.

(2) Every municipal clerk and every teacher who omits or neglects to post the notice as required by this section, and every person who removes, destroys or defaces such notice after it has been posted and before the close of the poll, shall be guilty of an offence and liable to a penalty of \$25 and, in default of immediate payment, to imprisonment for ten days.

Voting, Ballots, Etc.

Municipal
voters'
lists

171. For the purpose of taking the vote, all the provisions of *The City Act*, *The Town Act*, *The Rural Municipality Act* or *The Village Act*, as the case may be, respecting the election of members of the municipal council shall apply *mutatis mutandis* to the proceedings therefor, to the rights, powers, duties, obligations and liabilities of judges, officers and electors, and with regard to offences and penalties except in so far as otherwise provided by this Act, or as varied by regulations, of the Lieutenant Governor in Council.

Regulations

172. The Lieutenant Governor in Council may make regulations governing the conduct of the vote, and may prescribe forms.

Voting by
ballot

173. The voting shall be by ballot, and each voter shall indicate his vote by marking the ballot in accordance with the published directions to voters.

Preparation
of voters'
lists and
ballots

174. The ballots shall be prepared by the government printer, and shall be forwarded by the clerk of the Executive Council in sufficient numbers, to each municipal clerk in the district, together with such forms, notices and instructions as the Lieutenant Governor in Council may prescribe. The clerk, where not himself the returning officer, shall hand such lists, ballots, forms, notices and instructions to the returning officer.

Directions
for guidance
of voters

175. The clerk of the Executive Council shall prepare directions for the guidance of voters and submit the same for approval to the Lieutenant Governor in Council.

(2) He shall, when such directions have been approved, cause the same to be printed in conspicuous characters and in such numbers as he may deem sufficient; and he shall forward the same to the clerk of each municipality, any part of which is included in the liquor district in which a vote is to be taken, to be posted up as hereinafter mentioned.

Posting the
directions

176. Every deputy returning officer shall, before the opening of the poll, cause the said printed directions to be placarded outside the polling place and also in every voting compartment of the polling place, and shall see that they remain placarded until the close of the polling.

177. Every deputy returning officer before the opening ^{Bible} of the poll shall furnish himself with a copy of the Bible or of the New Testament for the purpose of administering oaths.

178. Every returning officer, deputy returning officer, ^{Oath of office and secrecy} poll clerk, constable or other officer shall, before entering upon the duties of his office, make and subscribe an oath in form V.

179. Every agent authorised to be present at any polling place, before exercising at the polling place any rights or privileges which he may possess as such agent, shall take and subscribe before a justice of the peace, notary public or commissioner for oaths, or before the deputy returning officer an oath in form W.

181. The deputy returning officer shall keep in the poll ^{Record of votes} book a record of all persons who vote, and if the voter takes the oath or affirmation, such deputy or the poll clerk shall enter opposite to the voter's name in a column in the poll book the word "sworn" or "affirmed," according to the fact.

182. When a voter is required to take the said oath but refuses to do so, the deputy returning officer or the poll clerk shall enter opposite the name of such person in the proper column on the record sheet the words "refused to swear," and such person shall not be allowed to vote, but shall be required to immediately leave the polling booth and shall not be allowed again to enter the same on the day of the voting for any purpose whatever.

183. Every returning officer shall, by writing under his ^{Appointment of agents} hand, appoint from among the applicants for such appointment or on behalf of persons applying to have such appointments made, two agents to attend at each polling station during the voting and to act as scrutineers at the final summing up of the votes on behalf of those desirous of obtaining an affirmative answer to the question, and two agents so to attend on behalf of those desirous of obtaining a negative answer, but no such agents shall be entitled to any remuneration from the public treasury or from the municipality.

184. Before any agent so appointed enters upon his duties ^{Declaration by agents} as agent, he shall make and subscribe before the returning officer or any deputy returning officer, a declaration to the effect that he is interested in and desirous of obtaining an affirmative or negative answer, as the case may be, to the question, which declaration may be in form Y.

185. Every person so appointed, before being admitted to ^{Agents to produce app. intiments} the polling station or to the final summing up of the votes, as the case may be, shall produce to the deputy returning officer his written appointment.

186. In case no person has been appointed as aforesaid to attend at any polling station or at the final summing up of the votes, or in the absence of any person so appointed, any electors, not exceeding two in the same interest, may, upon making and subscribing a declaration to the above effect before the deputy returning officer or the returning officer, as the case may be, be admitted to the polling station or to the final summing up of the votes, as agents on behalf of that interest.

187. Whenever it is provided in *The City Act*, *The Town Act*, *The Village Act*, or *The Rural Municipality Act*, as the case may be, that anything may or shall be done in the presence of or by the candidate or his agent, such provision shall, as applied to proceedings under this Act, be taken to refer to agents appointed in the manner aforesaid.

Procedure on Close of Poll.

188. The result of the poll shall be ascertained by scrutiny to be conducted by the deputy returning officer, in the presence of agents, if any, appointed in the manner hereinbefore provided.

(2) The scrutiny shall commence forthwith after all proceedings connected with any municipal or other vote taken at the same time have been completed.

(3) All the proceedings at the scrutiny shall be subject to the inspection of the said agents.

189. At the scrutiny the procedure shall be as follows:

- (a) The ballots cast upon the question submitted shall be separated from those cast for the election of municipal officers or in any other voting held at the same time and shall be returned to the ballot box until the latter have been counted;
- (b) After the ballots for the election of municipal officers or cast in such other voting have been counted, the ballots on the question submitted shall immediately be examined and counted one at a time as they are taken from the ballot box, and shall be either allowed or rejected;
- (c) All spoiled ballots shall be rejected and their number recorded and they shall be placed in a separate envelope and sealed up;
- (d) All allowed ballots shall be counted and a record of them taken, when all affirmative ballots shall be placed in a separate envelope and securely sealed, and all negative ballots shall be placed in a separate envelope and securely sealed.

190. The deputy returning officer shall forthwith after completing the scrutiny of the ballots, forward to the returning officers:

Ballots and
statement
to be sent
to returning
officer

1. A parcel securely sealed containing the envelopes referred to in clauses (c) and (d) of the next preceding section;

2. A separate parcel securely sealed containing a statement in writing signed by him, showing:

- (a) The number of votes in the affirmative;
- (b) The number of votes in the negative;
- (c) The number of ballot papers rejected as spoiled.

191. The deputy returning officer, shall, upon completion of the scrutiny and before leaving the polling place, furnish a signed copy of the last mentioned statement to one agent on each side of the question.

Copy state-
ment to be
furnished
agents

192. A ballot shall be spoiled and rejected if:

Spoiled
ballots

- (a) Not authenticated by the initials of the deputy returning officer; or
- (b) No vote is indicated upon it; or
- (c) More than one vote is so indicated; or
- (d) It bears a mark by which the voter might be identified.

193. The returning officer after he has received from each deputy returning officer the statement mentioned in clause (2) of section 190, shall indorse on the writ a statement certifying:

Returning
officer to
indorse and
transmit
writ to
Executive
Council

- (a) The number of votes in the affirmative;
- (b) The number of votes in the negative; and
- (c) The number of ballots rejected as spoiled;

and shall, within ten days after the holding of the vote, transmit to the clerk of the Executive Council, by registered mail or express prepaid, a parcel securely sealed containing all ballots cast at the election, and in an envelope mailed and registered separately the writ as indorsed.

194. The clerk of the Executive Council shall prepare, from the returns indorsed on the writ, a statement of the number of votes in the affirmative, of the number of votes in the negative, and of the number of ballots rejected as spoiled, shall sign the statement and shall publish a copy of the same in *The Saskatchewan Gazette* within thirty days after the holding of the vote, unless in the meantime he receives an

application for a recount in which case the statement shall be published as herein provided, only after the recount has been completed.

(2) Such statement so published shall be conclusive evidence of the result of the vote.

Recount.

Application for recount

195. Any three electors who have voted in a polling subdivision may apply for a recount of the votes there polled, on the ground that the deputy returning officer has improperly counted or rejected ballot papers.

(2) Such application shall set forth the reasons for which it is made and shall be in form Z. It shall be forwarded to and received by the clerk of the Executive Council within twenty days of the day of polling, exclusive of such day.

Lieutenant Governor in Council to decide

196. On receipt of the application the Lieutenant Governor in Council shall decide whether or not the recount shall be granted.

Regulations

197. The Lieutenant Governor in Council may make regulations for holding the recount, appointing persons to conduct the same and settling their remuneration, assigning a time and place therefor, defining the method of procedure, and generally providing for all necessary details in connection therewith.

Annulling a Vote.

Annulling a vote

198. In case it is made to appear to the Lieutenant Governor in Council that serious irregularities have occurred in taking the vote in any municipality, substantially affecting the result, the Lieutenant Governor in Council may annul the vote so taken and may direct that the question be again submitted to the electors of that part of the district and may by regulation make all necessary arrangements for the voting.

Offences and Penalties.

Offence and penalty

206. Any municipal clerk who neglects or refuses to hand over with all reasonable promptitude to the returning officer appointed for the municipal elections, where such municipal clerk is not himself the returning officer, the writ for taking the vote or the ballots, forms, notices, instructions or other documents forwarded by the clerk of the Executive Council, shall be guilty of an offence and liable to imprisonment for one month.

One vote only

207. No person shall vote more than once at a referendum under this Act. Any person violating the provisions of this section shall be liable to a penalty of not less than \$50 nor

more than \$100, and in default of immediate payment, to imprisonment for not less than fourteen days nor more than one month.

208. Except as hereinafter provided, no one shall, on a ^{No liquor} day on which a vote is taken under the provisions of this Act, ^{near a polling} place or during the two days previous thereto, bring or keep or have in his possession, within three miles of a polling place in a rural municipality, intoxicating liquors.

(2) Any person who resides within the prohibited area may have such liquor in a private house for the use of himself or his family.

(3) Any person who brings liquor within the prohibited area in contravention of this section, shall be guilty of an offence and liable to imprisonment for one month.

(4) Any person who, whether or not a resident, sells, gives, furnishes or supplies liquor to another within the prohibited area during the period above limited, shall be liable to a penalty of \$100 and in default of payment to imprisonment for fourteen days.

(5) This section shall not apply to the manager of a store which is situated within three miles of a polling booth.

209. The provisions of sections 3, 4, 8, 9 and 10 of *The Controverted Municipal Elections Act* shall, so far as applicable and not inconsistent with this Act, apply ^{to apply} *mutatis mutandis* to the taking a vote hereunder.

General Provincial Referendum.

210. In the following sections of this Act from 211 to 227 ^{Interpretation} inclusive, unless the context otherwise requires, the expression:

1. "Electors" means all persons who would be entitled to "Electors" vote at a general election of members to serve in the Legislative Assembly under the provisions of *The Saskatchewan Election Act*, were such an election held at the time of the vote herein provided for.

211. A provincial vote shall be taken at the municipal ^{Vote on} ^{licensing} ^{hotels} election of 1916, 1917 or 1918, as may be decided by the Lieutenant Governor in Council, upon the question, whether or not hotels shall be licensed to sell intoxicating liquors by retail over a bar or otherwise.

212. A provincial vote shall be taken at the municipal ^{Vote on} ^{the system} elections of 1916 or at such earlier time in 1916 as may be provided by proclamation of the Lieutenant Governor in Council upon the question as to whether or not the system of dealing with intoxicating liquors established by this Act shall be continued.

Writ to be issued

213. The Lieutenant Governor in Council shall, on or before the first day of November in each year in which the said votes are to be respectively taken, issue a writ therefor.

Destination and requirements of writ

214. The writ shall be addressed and forwarded by registered mail by the clerk of the Executive Council to each municipal clerk in the province, by his name of office, and shall require the votes of the electors to be taken upon the day and during the hours appointed by law for holding the municipal elections.

Publication of notice of poll

215. The clerk of the Executive Council shall, forthwith after the issue of the said writ, cause to be published in every newspaper in the province a notice of the taking of the vote and statement of the question upon which the vote is to be taken.

Qualification of voters

216. The persons entitled to vote shall be those possessing at the time the vote is taken, the qualifications required by *The Saskatchewan Election Act*.

No vote in Cumberland or Athabasca

217. No vote shall be taken in the electoral divisions of Cumberland and Athabasca.

Voters' lists in cities and certain towns

218. In all cities and in all towns of over one thousand inhabitants lists of voters shall be prepared.

Registrars

219. For that purpose the Lieutenant Governor in Council shall appoint a proper person in each city and in each such town to be registrar.

The Election Act to apply

220. The provisions of sections 15 to 46 and 52 to 87 inclusive of *The Saskatchewan Election Act* shall apply *mutatis mutandis* to the making and revision of such lists.

No lists in other places

221. In municipalities other than cities and towns of over one thousand inhabitants no lists shall be prepared, but any person having the necessary qualifications shall be allowed to vote on presenting himself at the poll for the purpose.

Oath for voters

222. In such municipalities, when a vote is taken, every deputy returning officer shall, when required to do so by anyone entitled to be present in the polling place, administer to a voter the oath in form AA.

Voting by persons not entitled to vote

223. A person who votes at a provincial referendum, knowing that he has no right to vote, and a person who induces or procures another person to vote knowing that such person has no right to vote, shall be guilty of an offence and liable to imprisonment for thirty days.

Unorganised areas

224. The Lieutenant Governor in Council shall make provision by regulation for taking the vote in the unorganised areas of the province, including the defining of polling sub-

divisions, the appointment of returning officers, deputies, poll clerks and constables, the supplying of ballots and ballot boxes, and all matters incidental to a vote, and where not otherwise provided the provisions of *The Saskatchewan Election Act* shall apply to such vote.

225. Except as herein otherwise provided, the provisions of *The Saskatchewan Election Act* with regard to corrupt practices and other illegal acts, and with regard to offences and penalties, shall apply *mutatis mutandis* to a general provincial referendum.

226. The provisions of this Act with respect to a referendum in districts shall apply, with the necessary modifications, to the general provincial referendum.

227. Should a majority of votes be cast, at the general provincial referendum in 1919, in favour of abolishing the system of dealing with intoxicating liquors established by this Act, the system shall be wound up within six months of the day on which the vote is taken, or in case of a recount within six months of the date of the publication in *The Saskatchewan Gazette* of a notice giving the result of the vote.

FORM V.

(Section 178)

OATH OF OFFICE AND SECRECY.

I, A. B., do swear that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (name of office) to which I have been appointed in connection with the voting upon the question submitted to the electors and to be voted upon on the day of 19 , and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office; and, further, that I will not at such voting attempt in any way unlawfully to ascertain how an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the manner in which any elector has voted. So help me God.

Sworn by the said

before me at in the
Province of Saskatchewan, this
day of }

19 .

.....
Returning Officer, Deputy Returning Officer,
a J.P., Notary Public or Commissioner for
Oaths.

FORM W.

(Section 179)

OATH OF SECRECY.

I, A. B., do swear that I will not on the voting upon the question submitted to the electors and to be voted upon on the day of 19, attempt in any way unlawfully to ascertain how an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the manner in which any elector has voted. So help me God.

Sworn by said
before me at in the
Province of Saskatchewan, this
day of }
19 .

*Returning Officer, Deputy Returning Officer,
a J.P., Notary Public or Commissioner for
Oaths (as the case may be).*

FORM Y.

(Section 184)

DECLARATION BY AGENT.

I, appointed to be an agent in connection with the voting upon the question submitted to the electors and to be voted upon on the day of 19, do solemnly declare that I am interested in and desirous of obtaining an affirmative (or negative) answer to the question submitted; and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of ~~The Canada Evidence Act~~.

Declared before me at this day of 19

*Returning Officer (or Deputy
Returning Officer).*

FORM Z.

(Section 195)

APPLICATION FOR RECOUNT.

Dated this _____ day of _____

19

THE SALES OF LIQUOR ACT.

GENERAL PROVINCIAL REFERENDUM.

BALLOT PAPER.

Voting on the question, shall the system of dealing with
intoxicating liquors established by The Sales of Liquor Act
be continued, submitted to the persons entitled to vote
thereon in the ~~of~~ ^{of} this
eleventh day of December, 1916.

YES

THE SALES OF LIQUOR ACT.

GENERAL PROVINCIAL REFERENDUM.

*Oath to be Taken by Voter except in Cities and
Towns of Over 1,000 Inhabitants.*

You swear (*or solemnly affirm*) that you are of the full age of twenty-one years and are a British subject by birth or naturalisation and are not an Indian or a person of the Chinese race;

That you have resided in the Province of Saskatchewan for at least twelve months and in the (_____ district) for at least three months previously to this date;

That you have not voted before upon this question;

That you have not received directly or indirectly any gift or reward, nor do you expect to receive any, for the vote which you tender;

That you have not received anything nor has anything been promised you directly or indirectly either to induce you to vote or for loss of time, travelling expenses, hire of teams or any other service connected with this vote;

That you have not directly or indirectly paid, given or promised anything to another person to vote or refrain from voting upon either side of the question submitted.

So help you God.

THE SALES OF LIQUOR ACT.

GENERAL PROVINCIAL REFERENDUM.

*Oath to be Taken by Voter in Cities and Towns
of Over 1,000 Inhabitants.*

You swear (or solemnly affirm) that you are the person named (or intended to be named) by the name of in the voters' list now shown to you (showing the list to the voter);

That you are of the full age of twenty-one years;

That you have not voted before upon this question;

That you have not directly or indirectly received any gift or reward nor do you expect to receive any for the vote which you tender;

That you have not received anything nor has anything been promised you directly or indirectly either to induce you to vote or for loss of time, travelling expenses, hire of teams, or any other service connected with this vote; that you have not directly or indirectly paid, given or promised anything to another person to induce him to vote or to refrain from voting upon either side of the question submitted.

So help you God.

